When ambiguity breeds conflict

As South Africans we often accuse ourselves of failure to implement policy, but perhaps it’s more a failure to analyse policy risk? Looking through the lens of local BRT attempts, PAULINE FROSCHAUER argues that understanding the paradigm within which a policy falls is crucial to understanding the dynamics of policy implementation, particularly when the policy is both complex and transformational.

In any attempt to implement policy, conflict is bound to arise – particularly when more than one actor views a policy as impacting on its interests, and when the different actors have contradictory goals and disparate views of acceptable policy solutions and intended outcomes.

Bus Rapid Transit (BRT), which is currently being implemented with varying degrees of success in cities around the country, has to date been characterised by high levels of conflict, particularly between government agencies and current public transport operators in trying to agree a business model for future operations and compensation for the withdrawal of existing licences and vehicles.

Adding to the potential for conflict is the fact that there have been a vast number of actors (including individuals and organisations) in the BRT implementation process, representing diverse interests. Clearly some of these actors have a greater influence than others on the successful implementation of the BRT programme, and some of the actors are more significant than others at different stages in the process.

Four policy implementation paradigms

The analysis and understanding of policy implementation depends on the theoretical perspective from which one approaches the matter. Since the 1970s, there have been three main generations of research in the field of policy implementation. These have moved from essentially just prescriptive case studies to the development of analytical frameworks. Recent implementation models focus on the organisational or institutional arrangements that are involved in implementation and their relationships to one another, or on conflicts of interest and power relations between the different actors, and how to best elicit cooperation for implementation.

One such recent model is Richard Matland’s Ambiguity-Conflict Model. This Model develops four policy implementation paradigms based on the level of ambiguity and the level of conflict involved in a policy. Ambiguity is determined by the level of clarity of policy goals and implementation mechanisms, and the level of conflict depends on how important the policy is seen to be and how different the views of the actors on desirable goals, solutions and outcomes.

Clarity of implementation

The clarity of the mechanisms of policy implementation involves three main aspects:

- The level of clarity in respect of the roles that need to be played by the different actors
- The level of clarity in the implementation tools to be used and their likely effects
- Variations in the means of implementation across sites

There are six metropolitan and six secondary cities targeted for Catalytic Projects (Phase 1 RPTPs/BRT projects on priority corridors that aim to kick-start the rollout of the full RPTPs). Johannesburg, Tshwane, Cape Town, eThekwini, Nelson Mandela Bay, eMfuleni, Mangaung, Polokwane, Rustenburg, Mmabatho, Buffalo City and M undo. Institutionally it seems clear that the intention is for the BRT programmes to be implemented at the municipal sphere of government.

Financially, initial funding has come from national government through the Public Transport Infrastructure and Services Grant (PTISG), and some cities have contributed funds of their own. However, sources of sustainable public transport (and particularly BRT) funding have still not been addressed.

From a regulatory point of view, operators will not compete for passengers on the road but rather on meeting performance quality standards and by supplying contracted vehicle kilometres.

The first BRT contracts are being negotiated with incumbent operators, so any element of competition has effectively been removed from this first round.
The importance of the policy decisions taken together with the divergent views of the various actors suggests that there is an inherently high level of conflict in the implementation of the BRT programme. This has certainly been borne out by experience to date.

The level of variation in the means of implementation across sites is a further indicator of the level of ambiguity. In the case of the BRT, variations across the 12 implementing cities were expected, and even encouraged, within the overall policy goals. Obviously this has resulted in differences between systems and in some cases, the original policy goals are being redefined at local level. Recently national government has felt the need to start intervening and being more prescriptive about the implementation of BRT meeting certain basic policy goals with or without allowing for local differences.

The BRT programme policy goals and means of implementation seem to have been fairly clear to some, but by no means all, of the actors. The timing of the implementation of BRT with 2010 World Cup transport improvements also caused some confusion. The implementation of the BRT programme in the form of ‘bailiwick projects’ has fast-tracked implementation, but to some extent has also ‘isocrac’ the BRT programme from public transport policy implementation as a whole. Over time, greater clarity is being achieved, but there are still many areas of ambiguity surrounding the BRT programme.

Importance of the policy

The BRT policy and programme is clearly of considerable importance to both public and private actors in that it fundamentally changes the way public transport is to be planned, managed and funded in South African cities. The cities are required to take on far greater responsibility for planning, regulation, funding, managing and monitoring contract-based public transport services. Operators, on the other hand, are required to operate according to the contractual requirements of the city as transport authority, in terms of the type, frequency and quality of services to be provided. More effective and efficient public transport services are to be planned, with a move to mass transit on high demand corridors.

Government at local level takes on an increasing proportion of the risk, but private sector operators also surrender much of their current ability to operate as they please.

Difference in views of actors

The level of compatibility between the goals and desired implementation mechanisms has had an impact on the level of conflict. Of particular relevance is the reaction of the minibus-taxi industry. Clearly they view the BRT programme as impacting severely on their interests, and have different views on the acceptability and intended outcomes of BRT. The minibus-taxi industry is far from homogeneous, and there are a number of actors and interests within the industry. A considerable period of consultation and negotiation has led to agreement with elements of the taxi industry on aspects of BRT implementation, but the potential for conflict remains.

A further potential for conflict exists as far as the bus industry is concerned. The impact of BRT in certain areas on the bus industry could be severe, for instance, on the Mologa-Mopani/CBD corridor in Tshwane. The industry is unionised and it can be expected that labour will also have strong opinions on the outcomes of BRT, particularly on job opportunities.

Some community and business opposition has been experienced where they have felt that the BRT will impact negatively on their neighbourhoods and businesses (also see page 4). For example, communities have strongly objected to the proposed use of Oxford Road as a BRT corridor in Johannesburg, and there is concern around heritage issues in Church Square in Pretoria.

A further source of conflict has arisen between operators at national versus local level, and between operators seen to be ‘directly affected’ (ie on a Phase 1 BRT route) and those seen to be ‘indirectly affected’ (ie not on a Phase 1 route), and the need to extend the level of common understanding further has become apparent.

Applying the Model

The application of the Ambiguity-Conflict Model to the BRT programme to date indicates a high conflict / medium ambiguity policy implementation paradigm in South Africa, presented at the 29th annual SA Transport Conference in August 2010.

BRT The dynamics of the BRT programme to date have placed it firmly in a political implementation paradigm. An experimental implementation process, where policy learning can take place, may seem more appropriate for such a complex programme, but this does require considerable time and resources. This might still be possible in those cases that missed the 2010 implementation deadline for their BRT systems. This would require revisiting some of the mechanisms of implementation and perhaps even certain of the policy goals undermining the BRT programme. While this may temporarily lower conflict levels, it may also stall implementation to such an extent that the intent of the BRT programme is lost. It may well be that the level of conflict is so inherently high that political implementation, with outcomes decided by the power relations between the actors, is the only course.

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WHAT IS NECESSARY FOR SUCCESSFUL POLICY IMPLEMENTATION?

- Leadership
- Skills and capacity
- Finance
- Institutions

But over and above this, the nature of the policy programme being implemented will place it in a particular paradigm, which will exhibit certain dynamics.

Recommendations

The dynamics of the BRT programme to date have placed it firmly in a political implementation paradigm. An experimental implementation process, where policy learning can take place, may seem more appropriate for such a complex programme, but this does require considerable time and resources. This might still be possible in those cases that missed the 2010 implementation deadline for their BRT systems. This would require revisiting some of the mechanisms of implementation and perhaps even certain of the policy goals undermining the BRT programme. While this may temporarily lower conflict levels, it may also stall implementation to such an extent that the intent of the BRT programme is lost. It may well be that the level of conflict is so inherently high that political implementation, with outcomes decided by the power relations between the actors, is the only course.